

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MAX RUHLMANN, et al.,

Plaintiff(s),

vs.

GLENN RUDOLFSKY, et al.,

Defendant(s).

Case No. 2:14-cv-0879-RFB-NJK

ORDER GRANTING MOTION TO STAY

(Docket No. 27)

Pending before the Court is Defendants' motion to stay discovery. Docket No. 27. Plaintiffs filed a response in opposition and Defendants filed a reply. Docket Nos. 28, 29. The Court finds this motion properly decided without oral argument. *See* Local Rule 78-2. For the reasons discussed more fully below, the motion to stay is hereby **GRANTED**.

Courts have broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir.1988). "The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 600 (D. Nev. 2011). In deciding whether to grant a stay of discovery, the Court is guided by the objectives of Rule 1 to ensure a "just, speedy, and inexpensive determination of every action." *Id.* at 602-03. Courts in this District have formulated three requirements in determining whether to stay discovery pending resolution of a potentially dispositive motion. Motions to stay discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the

1 potentially dispositive motion to evaluate the likelihood of dismissal. *See id.* A party seeking to stay
2 discovery pending resolution of a potentially dispositive motion bears the burden of establishing that
3 discovery should be stayed. *See Holiday Sys., Int'l of Nev. v. Vivarelli, Scharwz, and Assocs.*, 2012 U.S.
4 Dist. Lexis 125542, *5 (D. Nev. Sept. 5, 2012).

5 Generally speaking, “a pending motion challenging [personal] jurisdiction strongly favors a stay,
6 or at a minimum, limitations on discovery until the question of jurisdiction is resolved.” *AMC Fabrication,*
7 *Inc. v. KRD Trucking West, Inc.*, 2012 U.S. Dist Lexis 146270, *5-6 (D. Nev. Oct. 10, 2012); *see also Kabo*
8 *Tool Co. v. Porauto Indus. Co.*, 2013 U.S. Dist. Lexis 53570, *2 (D. Nev. Apr. 15, 2013) (noting more
9 lenient standard for stay pending personal jurisdiction challenge since that is a “critical preliminary
10 question”). In determining whether a stay is appropriate, the Court is mindful that “how the undersigned
11 sees the jurisdictional picture may be very different from how the assigned district judge will see the
12 jurisdictional picture.” *AMC Fabrication*, 2012 U.S. Dist Lexis 146270 at *10. Nonetheless, the filing of
13 a motion challenging personal jurisdiction does not mandate a stay of discovery and the Court retains
14 discretion to require discovery to go forward. *See id.* at *5 (citing *Holiday Systems*, 2012 U.S. Dist. Lexis
15 125542).

16 Applying these standards, the Court finds that sufficient cause exists to **GRANT** the motion to stay.
17 In the event that the pending motion to dismiss is not granted in full, the parties shall file a proposed
18 discovery plan and scheduling order within seven days of the issuance of the order resolving the motion
19 to dismiss.

20 IT IS SO ORDERED.

21 DATED: October 21, 2014

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24 NANCY J. KOPPE
25 United States Magistrate Judge
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